

Prior law provided for the office of public works within the Dept. of Transportation and Development.

New law reflects the change in name from the office of public works to the office of public works and intermodal transportation, pursuant to the reorganization of DOTD.

Prior law authorized applications for funding of statewide flood-control projects to be submitted by a duly authorized municipal or parish governing body.

New law adds that other governing authorities may also submit these applications.

Prior law required the approved list of flood-control projects to be forwarded to the office of public works for implementation subject to limitation of appropriated funds after adoption of the recommendations of the Joint Legislative Committee on Transportation, Highways and Public Works.

New law changes prior law to provide that the approved list of flood-control projects shall be forwarded to the office of public works and intermodal transportation for implementation subject to limitation of allocated funds.

Prior law required the presiding officer of each authority to execute a statement of sponsorship prior to the commencement of work on a project. Further required this statement to include an agreement to furnish all lands, easements, rights-of-way, and spoil disposal areas necessary to construct and maintain the project without cost to the state. Further required this statement to include, among other things, an agreement to provide at least a 30% local match for the cost of the project.

New law, regarding the statement of sponsorship for flood-control projects, changes the minimum local match from 30% to 10%, and adds that the statement of sponsorship shall include an agreement to furnish all permits necessary to construct and maintain the project without cost to the state.

New law adds that the sponsoring authority shall not use state funds, other than revenue-sharing dollars, from any source in accomplishing its local match.

Prior law provided that funds expended by an authority pursuant to its agreement to furnish lands, servitudes, rights-of-way, and spoil disposal areas or as responsible entity for the preparation of plans and specifications and supervision of construction shall be treated as expenditures in discharge of the authority's agreement to provide a 30% local match. Further provided that of the 30% local match, the value of right-of-way acquisition shall not exceed 80% of the local match cost and the value of engineering shall not exceed 10% of the local match cost. Further provided that the rights-of-way shall be acquired for drainage and/or flood control purposes only. Further provided that the credit for engineering and design fees cannot exceed 10% of the total project cost for consideration as a portion of the local match. If the authority certified that such expenditures have been made in accordance with law, then the certification may be substituted in lieu of an equal dollar amount of project construction funds.

New law deletes prior law.

Prior law provided that the sponsoring authority may agree to perform

construction of a portion of a flood-control project, limited to earthen channel improvement, in lieu of an actual cash match provided:

- (1) The sponsoring authority uses its own labor and equipment.
- (2) The plans and specifications for the entire project must be prepared by a registered professional engineer licensed in this state and approved by the office.
- (3) The credit for the local construction cost shall be based on actual incurred expenses.
- (4) The portion of the project to be performed by the sponsoring authority does not commence until the other portion has been let in accordance with the Public Bid Law.
- (5) The portion of the project performed by the sponsoring authority is completed on or before the scheduled date or the actual date the portion of the project let in accordance with the Public Bid Law is completed, whichever is greater.
- (6) The sponsoring authority shall be responsible for the local construction cost estimate, scheduling, and execution of the local construction in accordance with the Public Bid Law.
- (7) The portion of the project performed by the sponsoring authority must comply with the final plans and specifications and is subject to inspection.

Prior law further provided that a sponsoring authority that does not comply with these provisions is ineligible for future participation in the Statewide Flood-Control Program. Provided that these provisions shall apply only to preapplications received after April 30, 1985. Further provided that when the application is submitted, the sponsoring authority shall indicate its intent to apply for credit. Provided that a sponsoring authority shall not utilize state funds from any other source in accomplishing its local construction responsibility.

New law repeals prior law.

Prior law authorized the St. Mary Drainage District Number One to use its own funds for construction work consistent with the plans for the Bayou Yokely Basin project which has met all program criteria, has been recommended for funding by the Flood Control Project Evaluation Committee, has been presented at public hearings, and has appeared on a Recommended Construction Program adopted by the legislature. Further provided for the circumstances in which the expense of this construction shall be treated as expenditures in discharge of the drainage district's agreement to provide a 30% match.

New law repeals prior law.

Prior law provided that the state of Louisiana, in financing 70% of the cost of approved projects, recognizes its responsibility to provide its share of the project funding in a timely manner and under certain conditions.

New law deletes the 70% state share language.

Effective upon signature of governor (July 9, 1999).

(Amends R.S. 38:90.1(8), 90.4(A)(1)(intro. para.) and (B)(1) and (2) (intro. para.) 90.7, 90.8, 90.9(1) and (4), 90.12 (A), (B), and (C), 91, and 92(A)(intro. para.) and (4) and (B); Repeals R.S. 38:90.12(D) and (E))